

## **REMARKS**

This amendment cancels claims 5, 25 and 32 - 35. Claims 1 - 4 and 12 - 19, and 22 - 24 are pending. Claims 1 and 16 are the independent claims.

Undersigned counsel thanks Examiner Gable for the interview held at the USPTO on January 14, 2009, the substance of which is summarized below.

### **I. REJECTION OF CLAIMS AS INDEFINITE UNDER 35 U.S.C. §112, SECOND PARAGRAPH**

The office action rejects claims 1-5, 12-19, 22-24 and 32-35 under the second paragraph 35 U.S.C. §112, as being indefinite. These claims have been clarified as to the scope of the animal ("mammal"), and claim 5, which recited "avian," has been cancelled.

### **II. REJECTION OF CLAIMS AS INDEFINITE UNDER 35 U.S.C. §112, FIRST PARAGRAPH**

Claims 1-5, 12-19, 22-25 and 32-35 are rejected under the first paragraph 35 U.S.C. §112, as being indefinite with regard to enablement for "decreasing weight gained after feeding." As agreed at the interview, the claims have been amended to clarify the effect of the invention by replacing the term "decreasing" with the terms "controlling" and "an effective amount of liposome-encapsulated anti-lipase antibodies to control the weight of said mammal." Support for this language is found on page 3, lines 27 - 28 ("Animals who's weight can be controlled include mammals, avians and any animal having a pancreas or that secrets lipase.")

On page 8 of the Office Action, the examiner asserts that the capability to generate anti-lipase antibodies from lipase of unknown origin that can act upon lipase in any animal is an unpredictable task. However, the specification describes how, in general, antigens can be injected into hens, which then secrete polyclonal antibodies into their eggs. In the present invention, it is within the ordinary skill of the art to use an antigen derived from a lipase of the mammal of interest, and so produce polyclonal antibodies to such a lipase, and produce it in a hen's eggs, and finally to ensure that such antibodies bind and inhibit the target lipase when administered in feed, and hence control said mammal's weight.

Accordingly, as now presented, the claims are fully enabled.

Applicants submit that the case is now in condition for allowance.

Respecfully submitted,

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DATE

/RobertHahl#33,893/

Robert W. Hahl, Ph.D.

Attorney of Record

Reg. No.: 33,893

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